



MINUTES

Fremont Zoning Board of Adjustment PO Box 120 Fremont NH 03044

1 April 2003

Present: Chairman Roy, Member Butler, and Alt. Member Hunter. Secretary Dunbar.

Call to order: Chairman Roy called the meeting to order at 7:30pm.

**GARY FLAHERTY/Albert & Joyce Witham
MAP 03 LOT 001.1-26L**

**Public /Abutters Hearing
SPECIAL EXCEPTION**

Present: Gary Flaherty.

Chairman Roy opened the Public/Abutters Hearing at 7:35pm by reading the following legal notice.

"You are hereby notified of a Public Hearing to be held at 7:30 pm on Tuesday April 1, 2003 at the Fremont Town Hall concerning a request by Gary Flaherty on behalf of Albert & Joyce Witham for a Special Exception to the terms of Article IX Section G 2 of the Fremont Zoning Ordinance.

The applicant is seeking after-the-fact approval to construct a bridge on parcel 03-001.1-26L, which would alter the surface configuration of said land within 100 feet of a wetland. Property is located at the end of James Road in the Fremont NH zone.

You are invited to appear in person or by counsel and state reasons why the appeal should or should not be granted."

Chairman Roy furthermore went on to read the following Department Head/Official Comment sheets:

Code Enforcement Officer – Paul Colby =

- 1. The bridge if approved is to be for (1) house lot only. There is currently one lot left in the development.**
- 2. The bridge may be too narrow for the safe access to the back lot for fire apparatus.**
- 3. The bridge is not completed; there are no side guards present.**
- 4. The bridge is a one-lane width.**
- 5. The bridge is of an open grate material and this office has seen no written documentation that the bridge is safe to support loads of vehicle traffic.**

Health Officer – Gertrude Butler =

- 1. Fremont's Wetland Ordinance was put in place to protect our wetlands for the future. Have you considered the safety of future residents in the uplands that would use this span to access their homes?**

Chairman Roy noted that all abutter's have been notified.

Member Butler read the Article IX Section H 2 (formerly G2).

Chairman Roy made a Motion to for Alt. Member Hunter to be a voting member at this ZBA hearing. Member Butler seconded the Motion. Motion passed unanimously.

Chairman Roy stated to Mr. Flaherty that if he wishes to reschedule this hearing in order to have a full Board present that he is entitled to do so. Mr. Flaherty made the decision to proceed with tonight's hearing.

He did not have a copy of the report from Rockingham County Conservation District and a copy was not in the Zoning file. He should have received a response within 30 days. Mr. Flaherty did have a copy of the return receipt for the certified letter and stated that he would fax a copy of the letter to the Board on April 2, 2003. Meanwhile, Secretary Dunbar will also follow-up with AA Carlson.

Mr. Flaherty came before the Board seeking relief for the bridge & the driveway both are within 100' wetland setback at the end of James Road - where a concrete abutment on each side of a metal grate bridge (15.5' wide, which is a recycled piece of bridge from Rte. 108 off of the Stratham traffic circle where a new bridge was placed) was placed over a seasonal stream (as described in the Zoning Ordinance Article IX Section C: 2b) to reach the remaining lot of Mr. Witham's subdivision. Map 003 Lot 001.1-25L. Approximately 73sq.ft. of upland (bank) was disturbed. The Town's Code Enforcement Officer contacted DES after inspecting the bridge to have a Dredge & Fill Application filled.

Member Butler asked if this road, James Road, would tie in with the Governor's Forest Subdivision. Mr. Flaherty stated that this portion would not.

He had a verbal from Chris Williams from the Wetlands Bureau, Donald Clement from ERLAC, and Chairman John Whiteside stating that there were no foreseen problems. However, there were no documents to verify that information in the Zoning file.

The Board reviewed the area of the Town's tax map page 3. Chairman Roy stated that the Board would have to review the originally approved subdivision to ensure that there were no restrictions placed on lot 001.1-25L, and that it is a useable lot. He feels that this bridge should have been part of the approved subdivision.

Chairman Roy requested that Mr. Flaherty provide the Board with a full scale plan showing the delineation of wetlands pertaining to lot 001.1-25L and the proposed building placement be provided to the Board.

Chairman Roy asked if Mr. Witham has an approved building permit for this lot. Mr. Flaherty stated no, not until the special exception is granted for the bridge.

Member Butler made a Motion to do a site walk of the area on April 5, 2003 at 8:15 am and that the Public/Abutter Hearing be continued to April 22, 2003 at 8:30 pm. Alt. Member Hunter seconded the Motion. Motion passed unanimously.

Member Butler made a Motion to close the Public/Abutter's Hearing at 8:10pm. Alt. Member Hunter seconded the Motion. Motion passed unanimously.

Approval of Minutes

Chairman Roy noted that he would like the minutes of March 18, 2003 to clearly state that under Case 03-02, that Mr. Lavelle will need a variance for the sewage disposal system within the Aquifer Protection District per Article XI Section E 4 c.

Member Butler made a motion to approve the ZBA Meeting Minutes of March 18, 2003 with the noted correction. Alt. Member Hunter seconded the Motion. Motion passed unanimously.

Adjournment:

With no further business to come before the Board, **Member Butler made a Motion to Adjourn the meeting at 8:30pm. Alt. Member Hunter seconded the Motion. Motion passed unanimously.**

The next meeting of the Board will be held on Saturday, April 5, 2003 at 8:15am to Site walks for the following:

8:15am	Gary Flaherty/ Albert & Joyce Witham	James Road	Map 3 Lot 001.1-25L
9:00am	Jim & Elaine Humphries	118 Karlin Road	Map 6 Lot 62-12.18
10:30am	James Lavelle/ Ernest Brown-Springbrook	Main St/ Walker Lane	Map 2 Lots 136 & 137

Respectfully Submitted By,

Kimberly Dunbar, Secretary

Files: C: SO, HO, FD, PD, BI, RA, CC